

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the outstanding Office Action, in view of the foregoing amendments and the following remarks.

Claims 1-3 and 5-10 are now pending, with claims 1, 6, and 7 being independent claims. Claims 1-3 and 5-10 have been amended. Support for the amendments can be found throughout the originally-filed disclosure, including, for example, at paragraphs 0033 and 0037 of the specification. Accordingly, Applicants submit that the amendments do not include new matter.

Section 112 Rejections

Claims 1-3, 5, and 7-10 are rejected in the Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office Action asserts that the term “table-driven logic” is unclear.

Applicants respectfully traverse this rejection. Definiteness of claim language is not to be analyzed, not in a vacuum, but rather in light of, among other things, the claim interpretation that would be given by one of ordinary skill in the art. MPEP § 2173.02. In this case, Applicants submit that “table-driven logic” is a term of art, which, accordingly, would be readily discernable by those skilled in the art. As evidence that “table-driven logic” is readily known in the art, Applicant has attached hereto a Wikipedia article on Database-Centric Architecture¹, European Patent Application Pub. No. 0 209 795, and a paper by Data Kinetics, Ltd. entitled “Accelerate Web Access to Legacy Data Sources with tableBASETM and Java 2 Enterprise Edition (J2EE)²,” all of which discuss table-driven logic. Thus, Applicants submit that the recitation of table-

¹ Available at <http://en.wikipedia.org/wiki/Database-centric>

² Available at http://www.michaelrossmurphy.com/resources/tableBASE_and_J2EE.pdf

driven logic in the claims of the present application would be readily understood by those of ordinary skill in the art, and thus, the claim language is not indefinite.

Claim 5 is also rejected in the Office Action under Section 112, as being indefinite. Specifically, the Office Action asserts that there is not an antecedent basis for a “caller” in this claim.

In response, Applicants have amended claim 5 to recite a “customer” instead of a caller. There is antecedent basis for a customer in this claim. Accordingly, Applicants submit that the Section 112 rejection with respect to this claim has been overcome and should be withdrawn.

Section 101 Rejection

Claims 1-3, 5, and 7-10 are rejected in the Office Action under 35 U.S.C. § 101, as being directed to non-statutory subject matter. In particular, the Office Action asserts that the methods recited in these claims are not tied to another statutory class of invention.

Applicants have amended independent claims 1 and 7 so as to clarify the statutory subject matter of the invention. Specifically, the steps recited in claimed methods have been expressly tied to an apparatus, namely a computer system. Applicants submit that the term computer system must be interpreted as a particular apparatus, the claimed methods are expressly tied to the computer system, and thus, the claims recite statutory subject matter. Accordingly, the Section 101 rejection has been overcome and should be withdrawn.

Section 103 Rejection

Claims 1-3 and 5-10 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 7,263,506) in view of Penzias (U.S. Patent No. 5,311,594).

Applicants respectfully traverse this art rejection. Nevertheless, without conceding the propriety of the rejection, in order to expedite prosecution, Applicants have amended independent claims 1, 6, and 7 so as to clarify features of the invention not disclosed or suggested by the cited references. To this end, Applicants submit that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

Amended independent claim 1 recites a method for facilitating the processing of requests for an item that comprises, inter alia, steps of evaluating a first set of criteria, selectively evaluating a second set of criteria, and evaluating override criteria, based upon the evaluation of the second set of criteria. Independent claim 1 further recites outputting an indication of the evaluating step, the selectively evaluating step, and the evaluating override criteria step, as well as using the indication to determine whether to issue the requested item. By virtue of these features, the claimed invention provides a method that can reliably detect fraud in the processing of a user's customer's request for an item, while at the same time allow for legitimate requests to ultimately be processed.

The Office Action cites Lee et al. as disclosing several of the features of the invention. In Applicants' view, Lee et al. discloses a system and method for identification and management of fraudulent credit/debit card purchases. In order to identify fraudulent purchase, Lee et al. primarily uses a centralized scoring system that uses a statistical model of fraudulent transactions. See, e.g., col. 5, lines 1-38. If the fraud estimation is high, Lee et al. appears to indicate that a web page can be displayed that requests further information from the buyer. See col. 8, lines 1-7; col. 39, lines 27-30. In this regard, the Office Action appears to equate Lee et al.'s scoring system as a "first set of criteria," and the web page requesting further information as a "second set of criteria."

Assuming, arguendo, that Lee et al. could be understood to disclose evaluating first and second sets of criteria, Applicants submit that the reference cannot be further understood to disclose or suggest evaluating override criteria, as recited in amended independent claim 1. In fact, in noting that the system can request further information from the consumer after the scoring process, Lee et al. tempers this disclosure by noting that “a concern here is that the more information the merchant asks of the consumer, the less likely he or she is to buy.” Such a disclosure would, if anything, teach away from the idea of adding a further set of evaluating override criteria from the consumer. That is, to obtain information from the consumer for an override evaluation would run directly against Lee et al.’s disclosure that requesting more information from the consumer has the negative effect of discouraging buying.

Applicants further submit that the secondary citation to Penzias fails to cure the deficiencies of Lee et al. Penzias is cited in the Office Action as suggesting a process that includes requesting certain information from a card holder. Nevertheless, Applicants submit that Penzias fails to disclose or suggest the features of amended independent claim 1 that are not disclosed or suggested by Lee et al., as discussed above.

With respect to amended independent claims 6 and 7, Applicants submit that these claims are distinguishable from Lee et al. and Penzias for reasons similar to those discussed above with respect to amended independent claim 1. More specifically, amended independent claim 6 recites an apparatus for facilitating the processing of requests for financial-related transactions that includes modules for evaluating first and second sets of criteria, as well as a module for evaluating override criteria. Analogously, amended independent claim 7 recites steps for evaluating first and second sets of criteria, as well as override criteria. As discussed above, Lee et al. and Penzias fail to disclose or suggest such features.

Accordingly, for at least the foregoing reasons, Applicants submit that amended independent claims 1, 6, and 7 are patentably distinguishable from Lee et al. and Penzias.

The dependent claims should also be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in the independent claims. Applicant requests further individual consideration of these dependent claims.

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Applicants submit that all of the pending claims are allowable over the references of record, and that the application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections, and passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our New York office at the address shown below.

Respectfully submitted,

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